

REFERENCE TITLE: energy; fuels; idling

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
First Regular Session  
2009

## HB 2338

Introduced by  
Representatives Mason, Ableser, Farley, Patterson: Chabin, Deschene,  
Goodale, Jones, Lopes, Miranda B

### AN ACT

AMENDING SECTIONS 11-876 AND 15-349, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 15, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-2122.01; AMENDING SECTION 44-1554, ARIZONA REVISED STATUTES; REPEALING SECTION 49-409, ARIZONA REVISED STATUTES; AMENDING TITLE 49, CHAPTER 3, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 49-446; RELATING TO THE USE OF MOTOR FUELS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 11-876, Arizona Revised Statutes, is amended to  
3 read:

4 11-876. Engine idling restrictions; exemptions; applicability;  
5 civil penalty; definitions

6 ~~A. By July 1, 2002, a county that contains any portion of area A as~~  
7 ~~defined in section 49-451 shall adopt, implement and enforce ordinances that~~  
8 ~~place limits on the maximum idling time for engines that propel heavy duty~~  
9 ~~diesel vehicles with a gross vehicle weight rating of more than fourteen~~  
10 ~~thousand pounds. The ordinances shall at least include exemptions for:~~

11 ~~1. Certain types of vehicles, such as police, fire and other emergency~~  
12 ~~vehicles.~~

13 ~~2. Certain types of situations such as traffic delays or the need for~~  
14 ~~a driver to sleep in the vehicle.~~

15 ~~3. Certain types of equipment operations, such as refrigeration of~~  
16 ~~cargo.~~

17 ~~B. A county with a population of less than one million two hundred~~  
18 ~~thousand persons shall adopt, implement and enforce the ordinances required~~  
19 ~~by this section only for those portions of the county that are located in~~  
20 ~~area A.~~

21 ~~C. Any other county may adopt, implement and enforce ordinances that~~  
22 ~~comply with this section.~~

23 A. BEGINNING JANUARY 1, 2010, THE MAXIMUM IDLING TIME IN THIS STATE  
24 FOR ENGINES THAT PROPEL HEAVY-DUTY COMMERCIAL DIESEL VEHICLES THAT ARE  
25 REQUIRED TO BE REGISTERED WITH THE DEPARTMENT OF TRANSPORTATION AND THAT HAVE  
26 A GROSS VEHICLE WEIGHT RATING OF MORE THAN TEN THOUSAND POUNDS SHALL BE  
27 LIMITED TO FIVE MINUTES IN ANY SIXTY MINUTE PERIOD EXCEPT FOR THE FOLLOWING:

28 1. VEHICLES THAT IDLE WHILE STOPPED FOR STREET OR HIGHWAY TRAFFIC, FOR  
29 AN OFFICIAL TRAFFIC CONTROL DEVICE OR AT THE DIRECTION OF A LAW ENFORCEMENT  
30 OFFICER.

31 2. VEHICLES THAT IDLE WHILE OPERATING DEFROSTERS, HEATERS OR AIR  
32 CONDITIONERS, WHILE PROVIDING A POWER SOURCE NECESSARY FOR MECHANICAL  
33 OPERATIONS OTHER THAN PROPULSION OR WHILE INSTALLING EQUIPMENT THAT IS  
34 OPERATED SOLELY TO PREVENT A HEALTH OR SAFETY EMERGENCY.

35 3. A POLICE, FIRE, AMBULANCE, PUBLIC SAFETY, MILITARY OR OTHER  
36 EMERGENCY OR LAW ENFORCEMENT VEHICLE.

37 4. A PRIMARY PROPULSION ENGINE THAT IS IDLING FOR MAINTENANCE,  
38 SERVICING, REPAIRING OR DIAGNOSTIC PURPOSES IF IDLING IS REQUIRED FOR THAT  
39 ACTIVITY.

40 5. A PRIMARY PROPULSION ENGINE THAT IS IDLING AS NECESSARY FOR  
41 POWERING WORK-RELATED MECHANICAL OR ELECTRICAL OPERATIONS OTHER THAN  
42 PROPULSION, INCLUDING OPERATING A POWER TAKEOFF MECHANISM OR OTHER MECHANICAL  
43 DEVICE THAT PERFORMS THE SAME FUNCTION AS A POWER TAKEOFF MECHANISM, MIXING  
44 OR PROCESSING CARGO OR FOR TRUCK REFRIGERATION. THIS EXEMPTION DOES NOT

1 APPLY TO IDLING FOR CABIN COMFORT OR TO OPERATING NONESSENTIAL ONBOARD  
2 EQUIPMENT.

3 6. VEHICLES THAT IDLE PURSUANT TO A STATE OR FEDERAL INSPECTION THAT  
4 IS INTENDED TO VERIFY THAT ALL EQUIPMENT IS IN GOOD WORKING ORDER IF IDLING  
5 IS REQUIRED AS A PART OF THE INSPECTION.

6 7. ARMORED VEHICLES THAT IDLE WHILE A PERSON REMAINS INSIDE THE  
7 VEHICLE TO GUARD THE CONTENTS OR WHILE THE VEHICLE IS BEING LOADED OR  
8 UNLOADED.

9 8. VEHICLES THAT IDLE BECAUSE OF ADVERSE WEATHER CONDITIONS AFFECTING  
10 THE SAFE OPERATION OF THE VEHICLE OR THE HEALTH AND SAFETY OF THE DRIVER.

11 9. IDLING OF THE PRIMARY PROPULSION ENGINE IF NECESSARY TO SUPPLY HEAT  
12 OR AIR CONDITIONING NECESSARY FOR PASSENGER COMFORT OR SAFETY IN THOSE  
13 VEHICLES OPERATING FOR COMMERCIAL PASSENGER TRANSPORTATION OR SCHOOL PURPOSES  
14 FOR UP TO A MAXIMUM OF THIRTY MINUTES PER HOUR. IF AMBIENT TEMPERATURES  
15 EXCEED SEVENTY-FIVE DEGREES FAHRENHEIT, VEHICLES OPERATING FOR COMMERCIAL  
16 PASSENGER TRANSPORTATION OR SCHOOL PURPOSES PURSUANT TO THIS PARAGRAPH MAY  
17 IDLE FOR UP TO A MAXIMUM OF SIXTY MINUTES IN ANY NINETY MINUTE TIME PERIOD.

18 10. IDLING OF THE PRIMARY PROPULSION ENGINE IF NECESSARY TO COMPLY WITH  
19 40 CODE OF FEDERAL REGULATIONS PART 395 AND RULES ADOPTED BY THE ARIZONA  
20 DEPARTMENT OF TRANSPORTATION REGARDING HOURS OF SERVICE RESTRICTIONS.

21 11. IDLING OF THE PRIMARY PROPULSION ENGINE IF NECESSARY FOR CONTINUED  
22 OPERATION OF THE ENGINE IN ADVERSE WEATHER CONDITIONS, INCLUDING COLD  
23 TEMPERATURES, THAT COULD INHIBIT PERFORMANCE OF THE VEHICLE WITHOUT IDLING.

24 B. BEGINNING JANUARY 1, 2010, AN OWNER OR OPERATOR OF A TRUCK STOP OR  
25 A DISTRIBUTION CENTER SHALL POST AND MAINTAIN PERMANENT SIGNS THAT ARE AT  
26 LEAST TWELVE INCHES BY EIGHTEEN INCHES IN SIZE AND THAT SPECIFY THE MAXIMUM  
27 IDLE TIME, THE RELEVANT STATUTORY REFERENCE AND THE MAXIMUM CIVIL PENALTY  
28 AMOUNT FOR VIOLATIONS OF IDLING RESTRICTIONS.

29 C. THE DEPARTMENT OF TRANSPORTATION SHALL POST AND MAINTAIN PERMANENT  
30 SIGNS OF SUFFICIENT SIZE AT ALL POINTS OF ENTRY INTO THIS STATE THAT ARE  
31 MAINTAINED BY THE DEPARTMENT OF TRANSPORTATION AND THAT SPECIFY THE MAXIMUM  
32 IDLE TIME AND THE RELEVANT STATUTORY REFERENCE FOR ENGINE IDLING  
33 RESTRICTIONS.

34 D. THIS SECTION DOES NOT APPLY TO MOTOR HOMES, RECREATIONAL VEHICLES,  
35 FIFTH WHEEL VEHICLES OR OTHER NONCOMMERCIAL VEHICLES THAT ARE USED FOR  
36 LEISURE OR RECREATION ACTIVITIES OR TO AGRICULTURAL VEHICLES THAT ARE NOT  
37 REQUIRED TO BE REGISTERED WITH THE DEPARTMENT OF TRANSPORTATION.

38 ~~D.~~ E. A driver who violates ~~an ordinance adopted pursuant to~~ this  
39 section is subject to:

40 1. The imposition of a civil penalty of one hundred dollars for the  
41 first violation.

42 2. The imposition of a civil penalty of three hundred dollars for a  
43 second or any subsequent violation.

1           ~~E. F. Ordinances adopted pursuant to~~ This section may be enforced by  
2 a county control officer or any law enforcement officer who is authorized to  
3 enforce traffic laws. For violations of ~~ordinances adopted pursuant to~~ this  
4 section, an officer shall use a uniform civil ticket and complaint  
5 substantially similar to a uniform traffic ticket and complaint prescribed by  
6 the rules of procedure in civil traffic cases adopted by the supreme court.  
7 The officer may issue citations to persons who violate ~~an ordinance adopted~~  
8 ~~pursuant to~~ this section.

9           ~~F. G.~~ In enforcing ~~ordinances adopted pursuant to~~ this section, a  
10 county control officer or authorized law enforcement officer shall only issue  
11 one citation per traffic stop or investigation of a driver whose vehicle  
12 exceeds the maximum idling limits established pursuant to this section.

13           H. THIS SECTION APPLIES THROUGHOUT THIS STATE, AND COUNTIES, CITIES  
14 AND TOWNS MAY NOT ENACT OR ENFORCE AN ORDINANCE, RULE OR REGULATION THAT  
15 CONFLICTS WITH THIS SECTION.

16           ~~G. I.~~ For the purposes of this section: ~~—~~

17           1. "COMMERCIAL DIESEL VEHICLE" MEANS A SCHOOL BUS, BUS, TRUCK,  
18 TRAILER, SEMITRAILER OR TRUCK TRACTOR THAT USES A DIESEL ENGINE AND THAT IS  
19 USED TO TRANSPORT PASSENGERS OR PROPERTY.

20           2. "DISTRIBUTION CENTER" MEANS A PLACE WITH THREE OR MORE BAYS WHERE  
21 VEHICLES LOAD OR UNLOAD MATERIALS.

22           3. "Idling" means the operation of an engine in the operating mode  
23 where the engine is not engaged in gear, where the engine operates at a speed  
24 at the revolutions per minute specified by the engine or vehicle manufacturer  
25 for when the accelerator is fully released and there is no load on the  
26 engine.

27           4. "POWER TAKEOFF MECHANISM" MEANS A UNIT THAT PROVIDES POWER FROM THE  
28 ENGINE TO A TRAILER OR OTHER EQUIPMENT.

29           5. "PRIMARY PROPULSION ENGINE" MEANS ANY ENGINE FOR WHICH THE PRIMARY  
30 FUNCTION IS TO PROVIDE MECHANICAL POWER TO PROPEL OR DIRECT A VEHICLE,  
31 REGARDLESS OF WHETHER THAT POWER IS APPLIED DIRECTLY TO THE PROPELLER SHAFT  
32 OR INDIRECTLY BY WAY OF AN ELECTRICAL SYSTEM, AND THAT MEETS ALL OF THE  
33 FOLLOWING CRITERIA:

34           (a) THE ENGINE PROVIDES A POWER SOURCE NECESSARY FOR MECHANICAL  
35 OPERATIONS OTHER THAN PROPULSION.

36           (b) THE VEHICLE INCLUDES A POWER TAKEOFF MECHANISM OR OTHER MECHANICAL  
37 DEVICE PERFORMING THE SAME FUNCTION AS A POWER TAKEOFF MECHANISM THAT IS  
38 POWERED BY THE ENGINE FOR ANY OF THE FOLLOWING REASONS:

39           (i) LOADING AND UNLOADING CARGO.

40           (ii) MIXING OR PROCESSING CARGO.

41           (iii) CONTROLLING CARGO TEMPERATURE.

42           (iv) PROVIDING A MECHANICAL EXTENSION TO PERFORM WORK FUNCTIONS.



1           1. One vehicle equivalent for every four hundred fifty gallons of neat  
2 biodiesel or two thousand two hundred fifty gallons of a diesel fuel  
3 substitute prescribed in section 1-215, paragraph 7, subdivision (b).

4           2. One vehicle equivalent for every five hundred thirty gallons of the  
5 fuel prescribed in section 1-215, paragraph 7, subdivision (d).

6           E. THE OPERATOR OF EACH SCHOOL BUS USED FOR THE TRANSPORTATION OF  
7 PUPILS WHO ATTEND SCHOOLS IN A SCHOOL DISTRICT OR WHO ATTEND A CHARTER SCHOOL  
8 SHALL COMPLY WITH ALL OF THE FOLLOWING REQUIREMENTS:

9           1. IMMEDIATELY TURN OFF THE ENGINE OF THE SCHOOL BUS WHEN THE SCHOOL  
10 BUS ARRIVES AT A SAFE STATIONARY POSITION AT THE SCHOOL SITE.

11           2. NOT START THE ENGINE OF A STATIONARY SCHOOL BUS MORE THAN THIRTY  
12 SECONDS BEFORE THE DEPARTURE OF THE SCHOOL BUS FROM THE SCHOOL SITE.

13           3. UNLESS THE ENGINE IS OPERATING FOR HEALTH, MAINTENANCE OR SAFETY  
14 PURPOSES, TURN OFF THE ENGINE OF THE SCHOOL BUS WHEN THE SCHOOL BUS IS  
15 STATIONARY FOR MORE THAN FIVE MINUTES ON PROPERTY OTHER THAN THE SCHOOL SITE.

16           Sec. 3. Title 41, chapter 15, article 6, Arizona Revised Statutes, is  
17 amended by adding section 41-2122.01, to read:

18           41-2122.01. Motor fuels; life cycle greenhouse gas emissions;  
19 study; report; definitions

20           A. IT IS THE GOAL OF THIS STATE TO IMPROVE ECONOMIC COMPETITIVENESS,  
21 ENHANCE ENERGY SECURITY AND REDUCE GREENHOUSE GAS EMISSIONS THROUGH VEHICLE  
22 FUEL CONSERVATION AND DIVERSIFICATION. THE GOAL IS TO REDUCE, TO THE MAXIMUM  
23 EXTENT THAT IT IS TECHNOLOGICALLY FEASIBLE AND COST-EFFECTIVE, THE GREENHOUSE  
24 GAS INTENSITY OF FUEL USED IN THIS STATE. THE REDUCTION WILL BE MEASURED AS  
25 A DECLINING STANDARD WITH RESPECT TO GREENHOUSE GASES EMITTED PER UNIT OF  
26 USABLE ENERGY OVER A VEHICLE FUEL'S LIFE CYCLE GREENHOUSE GAS EMISSIONS.

27           B. THE DEPARTMENT OF ENVIRONMENTAL QUALITY, IN COOPERATION WITH THE  
28 DIRECTOR OF THE DEPARTMENT OF WEIGHTS AND MEASURES, SHALL CONDUCT A STUDY ON  
29 THE TECHNICAL FEASIBILITY AND COST-EFFECTIVENESS OF REDUCING THE LIFE CYCLE  
30 GREENHOUSE GAS EMISSIONS FROM MOTOR FUELS SHIPPED TO AND SOLD OR OFFERED FOR  
31 SALE IN THIS STATE. THERE SHALL BE AN OPPORTUNITY FOR PUBLIC COMMENT IN  
32 DETERMINING THE SCOPE OF WORK FOR THE STUDY. THE STUDY SHALL CONSIDER  
33 INTERNATIONAL EXPERIENCE AND ANY RESEARCH CONDUCTED UNDER THE FEDERAL ENERGY  
34 INDEPENDENCE AND SECURITY ACT OF 2007, CALIFORNIA LAWS 2006, CHAPTER 488 AND  
35 CALIFORNIA EXECUTIVE ORDER S-01-07 AND SHALL INCLUDE CONSIDERATION AND  
36 ANALYSIS OF ALL OF THE FOLLOWING FACTORS:

37           1. THE COST OF PRODUCING AND DELIVERING MOTOR FUELS WITH LIFE CYCLE  
38 GREENHOUSE GAS EMISSIONS BELOW THE FUEL EMISSIONS BASELINE.

39           2. THE IMPACT OF REDUCTIONS IN LIFE CYCLE GREENHOUSE GAS EMISSIONS  
40 FROM MOTOR FUELS ON ALL OF THE FOLLOWING:

41           (a) THE ABILITY TO PRODUCE MOTOR FUELS FOR THIS STATE.

42           (b) THE SUPPLY OF MOTOR FUELS TO THIS STATE.

43           (c) THE COST TO CONSUMERS AND BUSINESSES OF MOTOR FUELS SOLD IN THIS  
44 STATE.

- 1 (d) TOTAL EMISSIONS OF GREENHOUSE GASES AND THE IMPACT ON THE  
2 ENVIRONMENT FROM THOSE EMISSIONS.
- 3 3. METHODS FOR ENCOURAGING VOLUNTARY EARLY REDUCTIONS IN LIFE CYCLE  
4 GREENHOUSE GAS EMISSIONS FROM MOTOR FUELS.
- 5 4. WHETHER REDUCTIONS IN LIFE CYCLE GREENHOUSE GAS EMISSIONS FROM  
6 MOTOR FUELS DISPROPORTIONATELY AFFECT LOW-INCOME COMMUNITIES.
- 7 5. WHETHER REDUCTIONS IN LIFE CYCLE GREENHOUSE GAS EMISSIONS FROM  
8 MOTOR FUELS COMPLEMENT OR INTERFERE WITH ACHIEVING AND MAINTAINING COMPLIANCE  
9 WITH NATIONAL, STATE AND LOCAL AMBIENT AIR QUALITY STANDARDS.
- 10 6. WHETHER REDUCING LIFE CYCLE GREENHOUSE GAS EMISSIONS FROM MOTOR  
11 FUELS, INCLUDING REDUCTIONS IN OTHER AIR POLLUTANTS, RESULTS IN  
12 DIVERSIFICATION OF ENERGY SOURCES AND OTHER IMPACTS TO THE ECONOMY,  
13 ENVIRONMENT AND PUBLIC HEALTH AND WELFARE.
- 14 7. METHODS FOR MINIMIZING THE ADMINISTRATIVE BURDENS OF PROGRAMS  
15 DESIGNED TO REDUCE LIFE CYCLE GREENHOUSE GAS EMISSIONS.
- 16 8. WHETHER REDUCTIONS IN LIFE CYCLE GREENHOUSE GAS EMISSIONS FROM  
17 MOTOR FUELS USED IN THIS STATE ARE OFFSET BY INCREASED EMISSIONS OF  
18 GREENHOUSE GASES OUTSIDE THIS STATE.
- 19 9. THE SIGNIFICANCE OF THE CONTRIBUTION OF EACH SOURCE OR CATEGORY OF  
20 SOURCES OF GREENHOUSE GAS EMISSIONS TO THE STATEWIDE GREENHOUSE GAS EMISSIONS  
21 TOTAL.
- 22 10. THE COST-EFFECTIVENESS OF GREENHOUSE GAS EMISSIONS REDUCTIONS  
23 MEASURED IN DOLLARS PER METRIC TON OF REDUCED GREENHOUSE GASES, AS EXPRESSED  
24 IN CARBON DIOXIDE EQUIVALENCE.
- 25 C. ON OR BEFORE DECEMBER 31, 2011, THE DEPARTMENT OF ENVIRONMENTAL  
26 QUALITY SHALL PUBLISH A REPORT OF ITS FINDINGS AND RECOMMENDATIONS RESULTING  
27 FROM THE STUDY CONDUCTED PURSUANT TO THIS SECTION. THE DEPARTMENT OF  
28 ENVIRONMENTAL QUALITY SHALL SUBMIT THE REPORT TO THE GOVERNOR, THE PRESIDENT  
29 OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND PROVIDE A  
30 COPY OF THE REPORT TO THE SECRETARY OF STATE AND THE DIRECTOR OF THE ARIZONA  
31 STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS. BEFORE THE DELIVERY OF THE  
32 REPORT, THE DIRECTOR SHALL CONDUCT AT LEAST THREE PUBLIC MEETINGS IN DISTINCT  
33 AREAS OF THIS STATE IN ORDER TO PRESENT THE DRAFT REPORT TO MEMBERS OF THE  
34 GENERAL PUBLIC AND SHALL RECEIVE PUBLIC COMMENTS IN WRITING AND ORALLY AT THE  
35 MEETINGS. THE DEPARTMENT SHALL PREPARE A RESPONSE TO PUBLIC COMMENTS TO BE  
36 DELIVERED WITH THE FINAL REPORT.
- 37 D. FOR THE PURPOSES OF THIS SECTION:
- 38 1. "GREENHOUSE GAS" MEANS ANY OF THE FOLLOWING:
- 39 (a) CARBON DIOXIDE.
- 40 (b) METHANE.
- 41 (c) NITROUS OXIDE.
- 42 (d) HYDROFLUOROCARBONS.
- 43 (e) PERFLUOROCARBONS.
- 44 (f) SULFUR HEXAFLUORIDE.

1           2. "LIFE CYCLE GREENHOUSE GAS EMISSIONS" MEANS THE AGGREGATE QUANTITY  
2 OF GREENHOUSE GAS EMISSIONS, INCLUDING DIRECT EMISSIONS AND SIGNIFICANT  
3 INDIRECT EMISSIONS SUCH AS SIGNIFICANT EMISSIONS FROM LAND USE CHANGES,  
4 RELATED TO THE FULL FUEL LIFE CYCLE, INCLUDING ALL STAGES OF FUEL AND  
5 FEEDSTOCK PRODUCTION AND DISTRIBUTION, FROM FEEDSTOCK GENERATION OR  
6 EXTRACTION THROUGH THE DISTRIBUTION AND DELIVERY AND USE OF THE FINISHED FUEL  
7 TO THE ULTIMATE CONSUMER, IN WHICH THE MASS VALUES FOR ALL GREENHOUSE GASES  
8 ARE ADJUSTED TO ACCOUNT FOR THEIR RELATIVE GLOBAL WARMING POTENTIAL.

9           Sec. 4. Section 44-1554, Arizona Revised Statutes, is amended to read:

10           44-1554. Prohibited practices

11           It is a violation of this article for any distributor directly or  
12 indirectly or through any officer, agent or employee to engage in any of the  
13 following practices:

14           1. To prohibit directly or indirectly the right of free association  
15 among dealers for any lawful purpose.

16           2. To fail to act in good faith in performing or complying with any  
17 terms, ~~OR~~ provisions of or collateral to a franchise.

18           3. To terminate or cancel a franchise without good cause.

19           4. To use undue influence to induce a dealer to surrender any right  
20 given to the dealer by any provision contained in the franchise.

21           5. To cancel, terminate, fail to renew or to threaten the  
22 cancellation, termination or nonrenewal of any franchise because of the  
23 dealer's failure to purchase merchandise or products sold by the distributor  
24 ~~where~~ IF the requirement that the dealer sell exclusively the merchandise or  
25 products of the distributor would be a violation of any law, rule or  
26 regulation of this state or of the United States.

27           6. To change or modify any restrictions upon nonpetroleum related  
28 business activities of the gasoline dealer during the term of ~~his~~ THE  
29 franchise.

30           7. To unreasonably reduce, limit or curtail the supply of gasoline or  
31 other petroleum products to any dealer.

32           8. To cancel or terminate a franchise solely to secure for its own  
33 account the distributor's more successful or profitable franchise stations.

34           9. To place unreasonable restrictions upon nonpetroleum related  
35 business activities of the dealer.

36           10. TO ENGAGE IN ANY CONDUCT THAT VIOLATES SECTION 241 OF THE FEDERAL  
37 ENERGY INDEPENDENCE AND SECURITY ACT OF 2007. DEFINITIONS THAT APPLY TO  
38 SECTION 241 OF THE FEDERAL ACT SHALL APPLY FOR THE PURPOSES OF THIS  
39 PARAGRAPH.

40           Sec. 5. Repeal

41           Section 49-409, Arizona Revised Statutes, is repealed.

1           Sec. 6. Title 49, chapter 3, article 2, Arizona Revised Statutes, is  
2 amended by adding section 49-446, to read:

3           49-446. Hydrofluorocarbon release prohibited; civil  
4                   enforcement; outreach

5           A. BEGINNING JANUARY 1, 2010, A PERSON SHALL NOT KNOWINGLY VENT OR  
6 OTHERWISE RELEASE INTO THE ENVIRONMENT ANY VEHICLE REFRIGERANT IN VIOLATION  
7 OF 40 CODE OF FEDERAL REGULATIONS PART 82, SUBPART F DURING REPAIR OR  
8 RECONDITIONING OR OTHERWISE. A PERSON WHO VIOLATES THIS SECTION IS SUBJECT  
9 TO CIVIL ENFORCEMENT BY THE ATTORNEY GENERAL PURSUANT TO SECTIONS 49-460,  
10 49-461, 49-462 AND 49-463.

11           B. THE DEPARTMENT SHALL ADOPT AND IMPLEMENT AN INDUSTRY OUTREACH  
12 PROCESS THAT IS DESIGNED TO INFORM BUSINESSES AND INDIVIDUALS OF THE  
13 PROHIBITIONS AND PENALTIES PRESCRIBED BY THIS SECTION AND TO ENCOURAGE  
14 COMPLIANCE WITH ITS PROVISIONS. THE DEPARTMENT SHALL NOT INSTITUTE  
15 ENFORCEMENT ACTION AGAINST ANY BUSINESS OR INDIVIDUAL PURSUANT TO THIS  
16 SECTION UNTIL AT LEAST ONE YEAR AFTER IMPLEMENTATION OF THE DEPARTMENT'S  
17 INDUSTRY OUTREACH PROCESS.

18           C. THE DEPARTMENT SHALL INCLUDE IN ITS ANNUAL REPORT A DESCRIPTION OF  
19 ENFORCEMENT ACTIONS TAKEN PURSUANT TO THIS SECTION.